

REMARKS/ARGUMENTS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449s, and for acknowledging that the Drawings are acceptable. However, Applicants note that the Examiner has not acknowledged Applicants' Claim for Priority and receipt of the certified copy of the priority document. Accordingly, Applicants respectfully request that the Examiner acknowledge the aforementioned Claim for Priority in the next Official Communication.

Upon entry of the present amendment, claims 1 and 10 will have been amended, and claims 2, 3 and 11 will have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 1, 4-9 and 12-21 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1, 3-5, 7-9 and 14-21 under 35 U.S.C. § 102(b) as being anticipated by IDO (U.S. Patent No. 6,326,103); and

the Examiner rejected claims 2, 6, 11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over IDO in view of HAMADA et al. (U.S. Patent Pub. No. 2003/0211384).

Without acquiescing to the propriety of the Examiner's rejections, Applicants have amended claims 1 and 10 solely in order to expedite prosecution of the present Application.

In particular, Applicants note that claim 1 recites a battery pack including: a plurality of parallel arranged battery modules, each battery module consisting of a plurality

of cells formed by encasing elements for electromotive force in prismatic cases, the cells being electrically connected in series and coupled together in one piece with gaps formed therebetween; and a restraining tool having connecting members extending through the gaps at both ends of the parallel arranged battery modules and between two given cells, connection terminals for electrically connecting the cells with each other are protruded on respective opposing side faces of the cells, the gaps that make up the battery module are formed between the opposing side faces of the cells, and the restraining tool comprising end plates arranged at both ends in an alignment direction of the battery modules, and both ends of the connecting members being coupled to the end plates.

In setting forth the rejections, the Examiner relies on IDO as purportedly disclosing the general features of the presently claimed invention. In particular, in the annotated figure included on page 4 of the Official Action, the Examiner generally indicates the terminal as being the portion of adjacent batteries 1 which are connected by connectors 43.

However, as shown in Figure 1 of IDO, the terminals in IDO are provided on a front face of the battery 1 which is positioned outside of the modular enclosure 20 and does not oppose any other battery cells.

Thus, Applicants submit that IDO does not disclose at least the presently claimed connection terminals that electrically connect the cells with each other protruding from respective opposing side faces of the cells that have the gaps formed therebetween; much less, connecting members extending through the gaps, as generally recited in amended claim 1.

Further, Applicants submit that HAMADA does not disclose any feature which can reasonably be considered to be equivalent to the presently claimed connecting members extending through gaps formed between the opposing side faces of the cells (i.e., from which the connection terminals that electrically connect the cells protrude)[see, e.g., Figure 6 of HAMADA].

Therefore, Applicants submit that HAMADA does not disclose anything which can reasonably be considered to supply the above-discussed deficiencies in IDO.

Thus, Applicants submit that IDO and HAMADA, alone or in any properly reasoned combination, does not disclose at least the presently claimed connection terminals that electrically connect the cells with each other protruding from respective opposing side faces of the cells that have the gaps formed therebetween; much less, connecting members extending through the gaps, as generally recited in amended claim 1.

Accordingly, Applicants submits that the rejection of claim 1-21 under 35 U.S.C. § 102 and 103 are improper and should be withdrawn.

Applicants also respectfully submit that independent claim 10 is generally similar to independent claim 1 in that it recites a battery pack including, inter alia, connecting members extending through gaps at both ends of the battery modules and between two given cells and coupling both end plates together, wherein each holder includes a spacer portion forming a cooling medium passage between side faces of the cells and holder portions provided on both sides of the spacer portion at locations corresponding to both sides of each cell for engaging with and retaining the cells, and the connection terminals of the cells are protruded on respective short side faces of the cell cases, the gaps that

make up the battery module are provided between the short side faces, and the cooling medium passages are formed between the long side faces of the cells.

Therefore, Applicants submit that independent claim 10 is allowable for at least reasons similar to claim 1 as discussed supra.

In view of the arguments herein, Applicants submit that independent claims 1 and 10 are in condition for allowance. With regard to dependent claims 4-9 and 12-21, Applicants assert that these claims are allowable on their own merit, as well as because they depend from independent claims 1 and 10 which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the pending claims in the present application are clearly patentable over the reference cited by the Examiner, and an indication to such effect is respectfully requested, in due course.

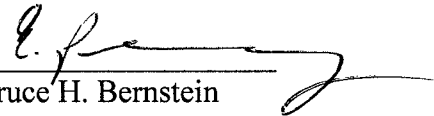
SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicants have argued the allowability of the claims. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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